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ABSTRACT

Intended for parents, the guide defines what is meant by an "exceptional" child, considers the educational opportunities open to the exceptional student, and offers suggestions on how parents can ensure that their child receives these opportunities. Sections provide the following information: definitions of various exceptionalities (including learning disability, physical handicap, and giftedness): the rights of exceptional children (to have a free appropriate program, to be evaluated, to have an individualized education program): and due process procedures by which parents can enforce their children's special educational rights. Explained within the document are the requirements of Pennsylvania law and two federal laws--the Education for All Handicapped Children Act (P.L. 94-142) and Section 504 of the Rehabilitation Act of 1973. Appended are sample forms, a list of legal services in Pennsylvania, affiliated chapters of the Pennsylvaia Association for Children with Learning Disabilities, affiliated chapters of the Pennsylvania Association for Retarded Citizens, a listing of other special education groups, and legal references. (SBH)

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THE RIGHT TO SPECIAL EDUCATION IN PENNSYLVANIA

A Guide for Parents

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TABLE OF CONTENTS

		PAGE
I.	INTRODUCTION	1
II.	WHAT IS AN EXCEPTIONAL CHILD?	2
III.	WHAT ARE THE RIGHTS OF EXCEPTIONAL CHILDREN?	4
	A. The Right to a Free Appropriate Program of Education and Training	4
	1. What is an "appropriate program?"	4
	2. At what ages are exceptional children eligible for a free appropriate program of education or training?	5
	3. What type of special education programs can be provided to an exceptional child?	5
	4. What is a "related service?"	8
	5. When does an exceptional child have a right to a free education in a private school?	9
	B. The Right to Have A Child Evaluated	10
	1. Must a Child be Given a Free Evaluation When the School District Proposes Placing Him in a Special Education Program?	10
	2. What is the Right to a Free Evaluation When a Parent Believes that Her Child is Exceptional?	12
	3. What is the Right to a "Re-Evaluation?"	13
	4. What is a "Multi-Disciplinary Team" (MDT)?	13
	C. The Right to an Individualized Education Program	14
	1. What is an Individualized Education Program (IEP)?	14
	2, When Must the IEP Be Completed?	17

PAGE

D. The Right to Free Transportation..... 17

E. The Right to Special Disciplinary Procedures..... 17

F. The Right to Due Process..... 18

IV. WHAT ARE DUE PROCESS PROCEDURES?..... 18

A. Introduction..... 18

1. What is a Surrogate Parent?..... 19

B. Right to Notice..... 20

1. When Are Parents Entitled to Notice of School Officials' Decisions?..... 20

2. What Can Parents Do If They Disagree With the Proposed Action or Decision?..... 21

C. Right to a Pre-Hearing Conference..... 21

1. When is a Parent Entitled to a Pre-Hearing Conference?..... 21

2. What Happens at a Pre-Hearing Conference?..... 22

3. What Happens After the Pre-Hearing Conference?. 24

D. The Right to a Due Process Hearing..... 25

1. What is the Purpose of a Due Process Hearing?..... 25

2. What Are a Parent's Rights at a Due Process Hearing?..... 25

3. What Happens at a Due Process Hearing?..... 27

4. What Can a Parent Do If She is Dissatisfied with the Hearing Officer's Decision?..... 29

E. The Right to Appeal..... 29

1. How Does a Parent Appeal a Hearing Officer's Decision?..... 29

2. How Can the Secretary's Decision be Appealed?..... 30

3. What Happens to a Child During the Due Process and Appeal Procedures?..... 30

PAGE

APPENDIX A - DEFINITIONS OF TYPES OF EXCEPTIONALITIES AND EVALUATIONS REQUIRED..... 31

APPENDIX B - FORM 1 - REQUEST FOR PERMISSION TO EVALUATE (School District Form)..... 33

FORM 2 - NOTICE OF INTENT TO CONDUCT RE-EVALUATION (School District Form)..... 34

FORM 3 - NOTIFICATION THAT PUPIL IS NOT EXCEPTIONAL (School District Form)..... 35

FORM 4 - REQUEST FOR PARENT PARTICIPATION IN IEP CONFERENCE (School District Form)..... 36

FORM 5 - INDIVIDUALIZED EDUCATION PROGRAM (IEP) FORM..... 37

FORM 6 - NOTICE OF RECOMMENDED ASSIGNMENT..... 39

APPENDIX C - FORM 1 - SAMPLE LETTER REQUESTING EVALUATION (Parent Initiated)..... 40

FORM 2 - SAMPLE LETTER REQUESTING PRE-HEARING CONFERENCE (Parent Initiated)..... 42

FORM 3 - SAMPLE LETTER FOR REQUESTING A PRE-HEARING CONFERENCE (School District Initiated)..... 44

FORM 4 - SAMPLE LETTER FOR REQUESTING A DUE PROCESS HEARING (Parent Initiated)..... 47

APPENDIX D - LEGAL SERVICES IN PENNSYLVANIA..... 49

APPENDIX E - PENNSYLVANIA ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES..... 53

APPENDIX F - PENNSYLVANIA ASSOCIATION FOR RETARDED CITIZENS, INC..... 54

APPENDIX G - OTHER SPECIAL EDUCATION GROUPS..... 58

APPENDIX H - LEGAL REFERENCES..... 59

I. INTRODUCTION

The purpose of this Guide is briefly to explain what an "exceptional" child is, what educational opportunities are open to him, and how you, as a parent, can ensure that your child receives those opportunities.

The material which follows covers these areas:

- An explanation of the term "exceptional child."

- A review of the rights of exceptional children, including the right to a free, appropriate program of special education and related services.

- A review of the process by which children are evaluated, and by which an appropriate special placement and program are developed for children who are found to be exceptional.

- A description of the procedures by which parents can enforce their children's special educational rights.

This Guide explains the requirements of Pennsylvania law, and of two important federal laws which also apply to Pennsylvania residents--The Education for All Handicapped Children Act of 1975 (Public Law 94-142) and the regulations implementing Section 504 of the Rehabilitation Act of 1973 (§504).

II. WHAT IS AN EXCEPTIONAL CHILD?

An "exceptional child" is a school-aged child who differs from a normal child, either because of a handicapping condition or because of some other difference which requires special attention. The category of exceptional children includes children with physical and/or mental handicaps and children who are artistically talented or mentally gifted.

Children who are considered "exceptional" include the following:

A. Mentally Retarded - children whose intellectual capacity is significantly below average. These children are usually divided into three groups: educable mentally retarded; trainable mentally retarded; and severely and profoundly retarded.

B. Learning Disabled - children who show evidence of normal intellectual capacity,(1) but who have a neurological, perceptual or similar problem which interferes with their ability to learn. This category does not include children whose learning problem is primarily caused by mental retardation, emotional disturbance, poverty, or environmental conditions.

C. Socially and Emotionally Disturbed - children with serious and prolonged emotional problems. A child must be examined by a psychiatrist before he can be classified as socially and emotionally disturbed.

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(1) The fact that a child scores below "normal" on an IQ test does not automatically mean that he is mentally retarded or below average in intelligence. In some cases, a low IQ score may be the result of a learning disability. Parents who think their child has a neurological or perceptual problem might want to ask the school to use other means to determine the child's intelligence.

D. Physically Handicapped - children who are blind or visually impaired, deaf or hearing impaired, orthopedically impaired or who have some other physical problem.

E. Mentally Gifted - children with outstanding intellectual and creative ability. In most cases a gifted child must show an IQ of 130 or higher.(2)

F. Talented - children who are exceptionally talented in art, music, dance, photography or theater.(2)

The educational programs these exceptional children need to help them learn are called "special education" programs, and the supportive aids they need to reach their full potential are called "related services." [See §III(A)(4)].

Special considerations for Hispanic and other language minority children

It should be kept in mind that a Spanish-speaking child (or any other language minority child who has difficulty learning in English) is not necessarily an exceptional or handicapped child. A "normal" Hispanic child may well be entitled to assistance, such as bilingual instruction, so that he can learn to his full capacity, but this kind of help is not considered "special

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(2) Gifted and talented children are entitled to special services only under Pennsylvania state law. Therefore, they have fewer rights than do handicapped "exceptional children." Gifted and talented children do have a right to special programs and services in a public school setting without cost to their parents [see §III(A)], the right to an Individualized Education Program [see §III(C)], and the right to utilize the state's due process procedures [see §IV]. Gifted and talented children, however, are not entitled to a private school placement at public expense [see §III(A)(5)], or to have their due process cases reviewed by a federal court [see §IV(E)(2)].

education." However, a Hispanic child may also be physically or mentally handicapped, or gifted or talented, and thus entitled both to assistance in learning English and to special educational services (which must be provided in a language he can understand). The special rights of Hispanic and other language minority children and their parents will be discussed throughout the following sections.

III. WHAT ARE THE RIGHTS OF EXCEPTIONAL CHILDREN?

A. The Right to a Free Appropriate Program of Education and Training

1. What is an "appropriate program?"

Under Pennsylvania and federal law, an exceptional child is entitled to a program of education or training which is designed to meet his individual educational needs. Such a program is called an "appropriate program." This requirement does not mean that each exceptional child in Pennsylvania is entitled to the best or most expensive program available. It does mean, however, that a school district(3) or the State Department of Education must make certain that each exceptional child is provided with a planned program of public education which takes account of that child's handicap or exceptionality and provides him with the

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(3) The term "school district" is used throughout this Guide to mean the public agency responsible for a child's education. In most cases this agency will be a regular school district or an intermediate unit, but it could be a state hospital, a state school for the mentally retarded, or some other public program or facility. All these public agencies must follow the laws described in this Guide.

support he needs in order to learn. This program must be provided free of charge to public school students.(4)

2. At what ages are exceptional children eligible for a free appropriate program of education or training?

All exceptional children between the ages of 6 and 21 are eligible for a free appropriate program of education and training. If students who are under the age of 6 or over 21 are permitted to attend school in a particular district, then handicapped children of the same age in the same district are also entitled to attend and to receive whatever special education and related services they need.

3. What type of special education programs can be provided to an exceptional child?

Not very long ago, handicapped children were often separated from other children in special classes or facilities, or were not helped at all. Now federal law, as well as Pennsylvania law, requires that handicapped children, to the extent possible, be educated in a regular classroom setting together with other school-aged children. This is known as "mainstreaming." If a handicapped child cannot be educated appropriately in a regular class, he must still be educated in the "least restrictive" and most normal environment possible. The State, therefore, requires that various

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(4) If, for reasons of her own, a parent has placed her child in a private school, such as a parochial school, the child is not entitled to free tuition. The child, however, may still be eligible for diagnostic and certain other special services from the public school district.

special education programs — ranging from a local district classroom to an out-of-state institution — be considered in a priority order when an appropriate placement is sought for a handicapped student. A program for an exceptional child cannot be approved unless it is the "least restrictive" type of program which will meet that child's needs. The order in which these programs must be considered (highest priority first) is as follows:

(a) A regular class in a regular school with supporting activities

This means the child is kept in a classroom with other non-handicapped children for most or all of the day and is provided with supportive services as needed.

(b) A special education program in a regular school

In this program the child goes to a special class with other children who have also been tested and been found to be exceptional, but the class is part of a school in which non-handicapped children are also educated.

(c) A special education program in a special facility

In this category a special education program is provided in a separate building which is not part of a regular school; special equipment or staff may be available to help handicapped children learn more quickly.

(d) Intermediate unit programs

If the school district cannot offer an appropriate program, the next most preferable placement would be a program like those

described in (b) or (c) above, provided in an intermediate unit facility.(5)

(e) An approved private school program

When the school officials have no appropriate school program, they can place a child in a private school which is approved by the State and which has a program that is appropriate for the child. Assignment to private schools can be just for day programs or, if necessary, on a 24-hour residential basis. Each individual private school placement must be approved by the State as well as the local district and intermediate unit. [See §III(A)(5)].

(f) A state school program

This is a program in a special facility operated by the State, such as a state school for the mentally retarded or a state mental hospital. Children in state schools and hospitals are entitled to the same rights as apply to all other exceptional children in Pennsylvania, including the right to an appropriate special education program.

(g) An approved out-of-state program

This is usually an approved private school, outside of Pennsylvania, which offers highly specialized programs for children with unusually severe handicaps. Such placements are usually made on a 24-hour residential basis.

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(5) In Philadelphia, there is no important difference between the intermediate unit and the school district for purposes of special education programs. Outside of Philadelphia, an intermediate unit usually serves a number of smaller school districts, and provides special education and other services to all those districts.

(h) "Homebound" instruction

When it is not possible to educate an exceptional child in any other type of program, he may be taught at home. This is called "homebound instruction." Because state law requires this type of instruction to be provided for only five hours a week, it is the least preferred of all of the special education alternatives and should normally be offered or permitted only if the child is too physically ill to leave his home.

4. What is a "related service?"

In order to benefit from special education, some exceptional children require certain supportive services which are not needed by children who do not have handicapping conditions. Where necessary, these services must be provided, without cost, to exceptional children in connection with their program of special education. Such services may include speech therapy, occupational and physical therapy, psychological counseling, and transportation. Although school districts are not generally required to provide or pay for purely medical treatment, the services of a physician or other medical specialist must be provided if they are necessary to diagnose a child's handicapping condition and determine his need for special education and related services.

As is the case with the other rights discussed in this Guide, the provision of required related services is not optional on the part of a school district or intermediate unit. These services must be provided where needed and cannot be denied or limited because of inconvenience or limited funding.

5. When does an exceptional child have a right to a free education in a private school?

If the school district has a public school program which meets a child's needs, it cannot recommend a placement with a private school even if the parent requests such a placement. This is true even if the private school program is better; as long as the public program is adequate, the district must recommend it. However, if neither the school district nor the intermediate unit has a program which is appropriate for the child, school officials must recommend a placement in a private school.(6) But even if the school district and the intermediate unit agree that a private school is appropriate, this decision is still not final until the State Department of Education also agrees.

It is important to understand that if approval is received from the school district, the intermediate unit and the Department of Education for a private school placement, the parent cannot be required to pay for any program of instruction or related service which is necessary for the child's education.(7) Moreover, children who

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(6) Under existing state law, children who are learning disabled, and who do not have any other handicapping condition, are an exception to this rule. The authors of this Guide believe that this exception is in violation of existing federal law. It is still in effect, however, and has not yet been challenged in any court.

(7) Under existing state law, there is a maximum amount that the state will pay for private school placements, which varies by whether the placement is day or residential and by the number of severe handicapping conditions. Again, it is the belief of the authors that these maximums are in violation of federal law to the extent that they prevent a child from receiving an appropriate special education program.

are placed in private schools are entitled to all the rights that children receive in public school placements, including all required related services [§III(A)(4)], free transportation [§III(D)], and due process protections [§IV]. However, if a parent chooses to place her child in a private school without the proper approvals, she cannot force the state, the school district or the intermediate unit to pay for that placement.

B. The Right to Have a Child Evaluated.

No child may be determined to be handicapped and in need of special education until he has been provided with a full and free evaluation of his educational needs. Different evaluations are needed to determine different types of handicapping conditions. A list of the types of evaluations is attached to this Guide. (See Appendix A).

The purpose of these evaluations is to determine whether a child is exceptional, to identify the nature of the child's handicap or exceptionality, and to determine the type of program which the child requires. Evaluations must take into account a child's English language capacity and his ethnic background so that the testing and evaluation will not be racially or culturally discriminatory.

1. Must a Child be Given a Free Evaluation When the School District Proposes Placing Him in a Special Education Program?

If the school district proposes to identify a child as handicapped or to place him in a special education program, it must,

at minimum, have the child evaluated by a certified school psychologist. The parent must be notified in advance of the proposed evaluation, and may object to its being conducted. If the parent objects, the evaluation may not be conducted until after due process procedures have been completed. (See §IV, What Are Due Process Procedures?).

In addition to the school district's evaluation, the parent may (and probably should) have the child evaluated by qualified specialists outside the school district.(8) These evaluations must be considered by the school district in determining the child's exceptionality and program. Resources such as the local MH/MR center are available where such evaluations can possibly be done at reduced cost or at no charge to the parent. When the school district initiates the request for parental consent to an evaluation, it must inform the parent of any resources from which she can obtain independent evaluations, and of any consumer or advocacy organizations which can assist her through the evaluation and placement process.

Finally, the parent has a right to review copies of all relevant school records, and may meet with the school psychologist to discuss the reasons for the proposed evaluation and the procedures and types of tests which will be used. (A copy of the form used by school

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(8) The school district may be obligated to pay for an outside educational evaluation, but the school district can question the necessity of such an evaluation and demand a hearing concerning its obligation to pay. If the school district wins the hearing, the parent still has the right to an outside evaluation, but the district does not have to pay for it.

districts for requesting a parent's permission to evaluate is attached to this Guide at Appendix B, Form 1).

2. What is the Right to a Free Evaluation When a Parent Believes that Her Child is Exceptional?

Any parent who believes that her child is exceptional can request that the school district evaluate the child. It is crucial that this request be in writing, and that it set out the reasons why the parent believes the child is exceptional. The school district must then either evaluate the child without cost to the parent, or provide the parent with a written statement which explains why the district believes the child's current placement is appropriate and an evaluation is not necessary. If after reviewing the written statement the parent still believes an evaluation is needed, or that certain tests are required which the school district refuses to provide, she may initiate due process procedures regarding the need for an evaluation and the type of testing which is required.

If a school district refuses to evaluate a child, or refuses to provide certain tests which the parent believes are needed, the parent may also obtain an "independent evaluation" and ask that the school district pay for it.(9) [See footnote 8, at p. 11]. Although there is no guarantee that the district will be obliged to pay for the evaluation, the parent can argue that the school

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(9) School districts must inform parents, upon request, of the identity and location of places where such evaluations may be obtained.

district's refusal to test the child made the outside evaluation a necessity and that the parent should, therefore, be reimbursed for any costs.

3. What is the Right to a "Re-Evaluation?"

The educational placement and program of every exceptional or thought-to-be exceptional child must be re-evaluated every two years, or, if the parent makes a written request, annually. (See Appendix C, Form 1 for a sample letter requesting a school district evaluation). A re-evaluation of the child's placement and program, however, need not include actual testing of the child. The initial decision as to what tests, if any, are to be given as part of the re-evaluation is made by the school district. If a parent disagrees with a school district's refusal to test or to provide certain kinds of tests, the parent may initiate due process procedures.

4. What is a "Multi-Disciplinary Team" (MDT)?

After a child has been evaluated by the appropriate professionals, the results of the evaluations must be reviewed by a team of specialists including a certified school psychologist, the child's present teacher, and a supervisor of special education or other person familiar with the various types of programs and services available for exceptional children. The purpose of this "team" approach is to prevent any one person or one test from determining a child's needs. The team then decides whether the child is or is not exceptional.

If the team determines that the child is not exceptional, the parent must be notified in writing of this decision and of her right to initiate due process procedures if she disagrees with this determination. [See §IV]. (A copy of a form used for notifying parents that a child is not exceptional is attached at Appendix B, Form 3). If the team determines that the child is exceptional and is in need of a special education program, it must notify the parent in writing and arrange for an Individualized Education Program (IEP) Conference. (A copy of a form used for notifying parents of a finding of exceptionality and requesting parent participation in an IEP conference is attached at Appendix B, Form 4).

C. The Right to an Individualized Education Program

1. What is an Individualized Education Program (IEP)?

An IEP is a written statement which is developed for an exceptional child at a conference involving, at least, a representative of the school district or intermediate unit who is qualified to provide or supervise the provision of special education services, the child's teacher, the child when appropriate, the child's parents, and any other persons whom the parents wish to attend.

An IEP is the basis for all special services which are to be provided to an exceptional child. It must include a statement of the present level of the child's educational performance; short-term and long-term educational goals for the child; a statement of the services to be provided to the child, including a description of all special education and related services required to meet the child's unique needs; a description of the extent to which the child will be able to participate in regular education programs; the dates on which services are expected to begin and end; and the measures used to determine the success of the child's program. If a parent has difficulty communicating in English (either because she speaks another language or because she is unable to speak), the school district must provide an interpreter or otherwise insure that the parent will be able to understand the IEP and to participate in the conference at which it is developed. (A copy of one type of IEP form is attached at Appendix B, Form 5).

After the IEP is developed, the parent will be asked to approve or disapprove it. The IEP can be handed to the parent at the conference or mailed to the parent's home. Even if the parent approved the IEP at the conference, she may revoke this acceptance in writing within five days of the conference. If the IEP is

approved, it serves as the basis for the child's special education program for the coming year.(10)

If no agreement can be reached between the parent and the school district regarding the content of the IEP, the parent may challenge any part of it through the due process procedures discussed in Section IV of this Guide. A parent should not approve an IEP unless it is complete and contains the type of program and all related services which the parent believes the child needs to receive an appropriate education.

It should be noted, however, that if the school district offers a partially acceptable special education program or placement, a parent may wish, with the school district's consent, to accept this placement on an interim basis so that her child can get some of the services he needs immediately. The parent should make it clear, however, that she is disapproving the proposed IEP (or the recommended

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(10) In some school districts, the proposed IEP is accompanied by a recommended educational placement, that is, a written notice of the name and location of the school and program which the district is offering to the child. Sometimes the recommended placement is sent separately after the IEP has been approved. In either case, the recommended placement must provide the child with all the programs and services which are contained in the IEP. (A copy of a "Notice of Recommended Assignment" is attached at Appendix B, Form 6). If the parent does not believe that the recommended placement is in compliance with the IEP or has other problems with the placement, the parent may object and initiate due process procedures (see §IV).

assignment), and that she wishes to initiate due process immediately regarding the disputed issues.

2. When Must the IEP be Completed?

By the beginning of each school year, each child who has been determined to be exceptional must have a completed IEP. For each child determined to be exceptional during the school year, a meeting must be held within 30 days of that determination for the purpose of developing an IEP. IEPs must be reviewed and, if necessary, revised at least once a year.

D. The Right to Free Transportation.

If a child is exceptional and needs transportation to get to or from his class or placement, the school district must provide or pay for this transportation. Transportation is a "related service" [see §III(A)(4)], and, if needed, must be listed on the child's IEP.

E. The Right to Special Disciplinary Procedures.

Because a mentally handicapped child (that is, a child who is mentally retarded, learning disabled, or socially and emotionally disturbed) may not always be able to control his behavior, he cannot be suspended, expelled, or involuntarily transferred on the same basis as can non-handicapped children. If the child is learning disabled or socially and emotionally disturbed, any

proposed involuntary transfer, expulsion, or suspension in excess of 10 days must be treated as a change in educational placement entitling the child to a due process hearing with all the protections described in §IV of this Guide.

If the child is mentally retarded, he may not be excluded from his program at all unless he presents a disciplinary problem so severe as to require emergency action, and approval is first obtained from the State Director of Special Education. Suspension, expulsion, or involuntary transfer of a mentally retarded child must be treated as a change in educational placement entitling the child to a due process hearing with all the protections described in §IV below.

F. The Right to Due Process.

Finally, a parent has the right to use special due process procedures to enforce any of her child's rights regarding evaluation, classification, program, or placement. These procedures are discussed in the following section.

IV. WHAT ARE DUE PROCESS PROCEDURES?

A. Introduction

The school district and/or the Department of Education may not agree with the parent on certain things such as:

(1) whether the child should be evaluated or the scope of the evaluation;

(2) whether the child is exceptional;

(3) what handicap or exceptionality, if any, the child may have;

(4) what program of education is appropriate for him;

(5) what location is appropriate for the child's educational program.

A series of procedures has been set out by law to allow parents to challenge the school district's or the state's decisions concerning their child's education. These are known as due process procedures.

In some situations a parent may wish to raise questions concerning her child's education. These are known as "parent initiated" procedures. Sometimes the school district sees a problem and wishes to make a change in a child's education program. This leads to what are known as "school district initiated" procedures. Regardless of who begins the process, parent and child are entitled to certain rights. These include the right to be notified of any proposed school district action or refusal to act in connection with the child's evaluation, classification, program, or placement, and the right to challenge those actions or refusals to act through a pre-hearing conference,(11) a due process hearing, and an appeal to the Secretary of Education. Finally, a parent may appeal an unfavorable decision of the Secretary to a court.

Surrogate Parents.

If a child has no parent, if no parent can be located, or if the child is a ward of the state, the school district in which the

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(11) Pre-hearing conferences are sometimes called "Program Placement Conferences." By whatever name, these meetings are the same, and follow the same format.

child resides must assign a capable adult to serve as the child's "surrogate parent". The surrogate parent, who may not be an employee of the school district, represents the child in all matters relating to that child's evaluation, classification, program and placement in the same manner as would a natural parent.

B. Right to Notice

1. When Are Parents Entitled to Notice of School Officials' Decisions?

School officials must notify parents in writing (in the parents' native language) if any of the following happens:

(a) If school officials intend to evaluate or re-evaluate a child who is exceptional or thought to be exceptional, they must first give the parents written notice of the proposed evaluation, of the reasons for the testing and of the parents' right to discuss these matters with the appropriate school officials. School districts must also give parents written notice if they refuse to evaluate or re-evaluate a child.

(b) When school officials decide to classify a child as exceptional or to change a child's classification from one category to another, or when they refuse to adopt or change a child's classification as requested by a parent, they must inform the parent of their decision.

(c) When school officials decide to develop or revise a child's IEP, they must first give the parent written notice and schedule an IEP conference, to which the parent must be invited.

(d) When school officials wish to change a child's educational placement or when they refuse to change a child's educational placement as requested by a parent, they must explain their proposal or rejection in a written notice to the parent, and include in the notice the reasons for their decision. The notice to parents of a change in placement must also list alternative placements and the reasons why these alternatives were not recommended for the child. In the case of a refusal to change the child's placement, the notice must explain why the current placement is satisfactory.

2. What Can Parents Do If They Disagree With the Proposed Action or Decision?

Parents have the right to initiate due process procedures if they disagree with any of the proposed school district actions or refusals to act in connection with their child's evaluation, classification, program, or placement. Notice of any decision or refusal to decide in any of these areas must inform parents of their right to initiate due process procedures.

C. Right to a Pre-Hearing Conference.

1. When is a Parent Entitled to a Pre-Hearing Conference?

If a parent --

(a) disagrees with the school officials' decision to evaluate or not to evaluate her child or disagrees with the types of tests which are proposed;(12)

(b) disagrees with a proposed classification, change in classification, or refusal to adopt or change a particular classification;

(c) is dissatisfied with her child's program, that is, the child's current or proposed IEP;

(d) is dissatisfied with her child's current educational placement or disagrees with the school official's decision to change or not to change her child's placement --

the parent has a right to meet and discuss her objections or disagreements with the responsible school officials, including at least one of the people who evaluated her child, the child's teacher, a supervisor of special education or the principal, and the guidance counselor who is working with the child. This meeting is called a pre-hearing conference.

2. What Happens at a Pre-Hearing Conference?

If a parent requests a pre-hearing conference in writing, the school district must contact her within ten days of that request to schedule it. (Sample forms for requesting a pre-hearing

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(12) Since there is no deadline in either state or federal law for completing an evaluation, it is often useful to request a pre-hearing conference when the requested evaluation does not take place within a reasonable time. This is because a pre-hearing conference must be scheduled within 10 days of the receipt of a written request, and the evaluation must be completed by the date of the conference. [See §IV(C)(2)].

conference is included at the end of this Guide at Appendix C, Forms 2 and 3). At that conference the parent has the following rights:

(a) the right to have an evaluation of the child and his placement done by the appropriate school district personnel prior to the conference.(13)

(b) the right to obtain outside evaluations and testing of the child and to have the results considered in determining his classification, program, or placement. [See §III(B)].

(c) the right to examine a copy of the child's school records, including evaluations and test results, prior to the conference, and to obtain a copy of the records.(14)

(d) the right, if the parent is dissatisfied with the child's current classification, program, or placement, to receive a written report from the school district explaining why, in the school district's opinion, the child's current classification, program, or placement is correct.

At a pre-hearing conference, parents and school officials review all the available reports and evaluations and try to reach an agreement on the matter in dispute--whether the child should be evaluated or what type of testing is needed, whether the child should be classified as having a particular kind of handicap, what kind of placement and program would be appropriate for the child. It is a good idea for a parent to take someone with her to the pre-hearing

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(13) This "evaluation" may or may not include actual testing of the child. [See §II(B)].

(14) In Philadelphia, the first copy of the records must be provided without cost. In other districts, they must be provided at reduced cost or without charge if a fee will prevent a parent from obtaining them. In any event, the fee for records of an exceptional or thought-to-be exceptional child may not exceed the actual expense of duplication.

conference to help explain her concerns, such as the outside evaluator who worked with the child or a friend or relative. At these informal conferences, parents should sincerely try to settle their differences with school officials, but should not be afraid to disagree with the school district if they think the district is wrong.

3. What Happens After the Pre-Hearing Conference?

If, after the pre-hearing conference, the parent and the school district are in agreement concerning the need for or scope of the evaluation, or the kind of program and/or placement which is appropriate for the child, the parent will be asked to agree in writing. If the child is not guaranteed immediate admission to the proposed placement, or if the details of the program are not provided in the form of a proposed IEP, the parent should not agree. If the parent accepts the recommendations of the school district at the conference, she may still withdraw that approval in writing within five days of the conference. If she does not agree to the proposed evaluation, program, and/or placement, she may proceed to the next stage, the due process hearing.(15)

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(15) If, after further considering the school district's proposal, the parent feels it could be acceptable with only minor changes, she may wish to request another conference to negotiate the changes she desires. If no agreement is reached at this conference either, the parent still has a right to a due process hearing.

D. The Right to a Due Process Hearing.

1. What is the Purpose of a Due Process Hearing?

If the parent and the school district cannot come to an agreement at the pre-hearing conference concerning a child's evaluation, classification, program, or educational placement, the parent may request an opportunity to present her position and to oppose the school district's position in front of a hearing officer appointed by the State Department of Education. (A sample form for requesting a hearing is included at the end of this Guide at Appendix C, Form 4).

There is a second kind of situation in which a parent may need to request a due process hearing. Even if the parent, the school district, and the intermediate unit agree that there is no appropriate public school program and that the child should, therefore, be placed in a private school, the approval of the State Department of Education must also be obtained. If the Department disapproves the recommended private school placement, the parent may request a due process hearing, which in these situations are called "show cause hearings." At that hearing, parents have the same rights as in other due process hearings.

2. What Are a Parent's Rights at a Due Process Hearing?

At the hearing a parent has the following rights:

(a) the right to have the case heard by a person (the hearing officer) who is not working for the local school district or the intermediate unit;

(b) the right to have the hearing held no sooner than 15 days and no later than 30 days after the appropriate school officials receive the parent's written request;

(c) the right to postpone the hearing, or any part of it, if there is a good reason to do so;

(d) the right to have the hearing held at a convenient place in the parent's school district;

(e) the right to have the hearing held at a convenient time, including evenings;

(f) the right to bring a person to the hearing to interpret the proceedings if the parent does not understand English well;(16)

(g) the right to have the hearing either open or closed to the public;

(h) the right to inspect and to obtain copies of all the child's school records prior to the hearing;

(i) the right to be represented by any person of the parent's choice, including an attorney;(17)

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(16) If a parent who is not fluent in English--or who is severely hearing impaired--needs an interpreter in order to participate in a due process hearing, the law may require an interpreter to be provided by the school district free of charge.

(17) It is not absolutely necessary to have a lawyer in due process proceedings, at least until the case is appealed to the courts. [See §IV(E)(2)]. However, if a parent is eligible for free legal services, she may wish to contact one of the organizations listed in Appendix D to this Guide. In addition, she may be able to obtain non-legal representation and valuable expert assistance and advice from the groups listed in Appendices E, F and G. The school district is not required to pay for the services of the parents' attorney or representative.

(j) the right to obtain and to present as evidence an independent evaluation of the child;

(k) the right to present evidence (including expert medical, psychological and educational testimony), to call witnesses, and to question or cross-examine school district, intermediate unit, or Department of Education witnesses. (School officials have the same rights). A parent can prohibit the introduction of any documentary evidence which has not been disclosed to her at least five days prior to the hearing, but has the same obligation to disclose documentary evidence to the opposing party.

(l) the right to compel the attendance of any school official or employee who has knowledge of the case;

(m) the right to have the hearing recorded and to obtain a free copy of the transcript; and

(n) the right to receive the hearing officer's decision and the reasons supporting it within 20 days of the end of the hearing.

3. What Happens at a Due Process Hearing?

At most due process hearings, the central question for the hearing officer to decide is whether the school district's current or proposed program is appropriate to meet the child's special education needs. The hearing officer must base his decision solely on the evidence presented at the hearing.

At a "show cause" hearing, an additional issue is presented. Because private school placement is lower on the list of priorities set out in §III(A)(3) than a public school program, the parent and the school district must also show that there is no school district

or intermediate unit program which can meet the child's needs. Since the school district and the intermediate unit have already expressed their agreement with the parent, the parent should be able to rely to a great extent on their findings and documentation, and to use school district and intermediate unit witnesses to support the requested placement at the show cause hearing.

At a due process hearing, both the parent and the school district (or the State) can present any relevant evidence, including the testimony of parents, friends, teachers, or expert witnesses and records of the child's evaluations and education experience. If the parent testifies or has other people testify, their remarks should be confined to what they have seen and heard through their own personal observation. It is helpful, if not essential, to a parent's case to present the testimony of the "outside" specialist (if any) who has independently evaluated the child, to explain his diagnosis and recommendations. It may also be useful to present the testimony of persons who have worked with the child, such as teachers or counselors, and of persons who are familiar with the particular program the parent wants for the child.

After a witness for either side has testified, the other party may ask questions to clarify or dispute the witness' testimony. Both parties may make opening and closing statements. If a parent does not have a lawyer and is uncertain about how to proceed, she should ask the hearing officer for guidance; it is his job to see that the parent gets a fair hearing.

4. What Can a Parent Do If She is Dissatisfied With the Hearing Officer's Decision?

Any party who is not successful at a due process hearing may appeal the hearing officer's decision to the Secretary of Education. However, the decision in a show cause hearing on private school placement is the Secretary's decision and can be appealed only to a court.

E. The Right to Appeal.

1. How Does a Parent Appeal a Hearing Officer's Decision?

If the hearing officer makes a decision with which a parent does not agree, she may file exceptions with the Secretary of Education within 15 days of the date on which she received the hearing officer's decision. These exceptions must set out the factual and legal matters in dispute, and explain the reasons for disagreement with the hearing officer's decision. The school district can file an answer to the exceptions within 10 days after their receipt of the exceptions. If the parent wants to present arguments orally as well, she should ask for an opportunity to do so when filing the exceptions, and this may be permitted. The Secretary's final decision must be reached, and a copy of the decision sent to the parent and the school district, within 30 days after the Secretary receives the exceptions.(18)

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(18) This deadline, like the one for hearing officer's decisions [see §IV(D)(2)], is often ignored. If you do not receive a written opinion within the proper time, you should write to the hearing officer or the Secretary and demand an immediate decision.

2. How Can the Secretary's Decision Be Appealed?

If the Secretary's decision is against the parent, she may appeal from this decision either to the State Commonwealth Court or to the Federal District Court. Appeals to Commonwealth Court must be filed within 30 days of the date on which the parent receives the Secretary's decision and will normally require the assistance of a lawyer. Although there is no express deadline for an appeal to federal court, it is recommended that such an appeal also be filed within 30 days and that the services of a lawyer be utilized.

3. What Happens to a Child During the Due Process and Appeal Procedures?

A child may not be removed from his current educational program until all administrative and court procedures are completed unless the parent agrees otherwise. There is only one exception to this rule. If the school district feels that there are "extradordinary circumstances," such as physical danger to the child or to other children, the school district may send a written request for immediate change of placement to the State Department of Education. If the Department agrees with the school district, it may notify the parent that an "interim placement" has been approved. In such a case, the due process hearing must be held as promptly as possible.

APPENDIX A

DEFINITIONS OF TYPES OF EXCEPTIONALITIES AND EVALUATIONS REQUIRED*

1. Brain Damage - moderate to severe injury to the brain resulting in severe behavior and learning disorders. Does not include minimal brain dysfunction.

   Evaluations required:
   (a) certified school psychological
   (b) neurological
   (c) educational

2. Hearing Impaired - mild to profound hearing loss which interferes with the development of the communication process.

   Evaluations required:
   (a) audiological
   (b) otological
   (c) educational

3. Learning Disabled - a deficiency in the acquisition of basic learning skills (not primarily the result of mental retardation emotional factors or other handicaps), despite average or above average intellectual functioning (IQ of 80+). Includes minimal brain dysfunction.

   Evaluations required:
   (a) certified school psychological
   (b) educational

   Note: A neurological is not required to identify a child as LD. However, if brain damage is suspected, the district must provide a free neurological exam (See #1 above).

4. Mentally Retarded - significantly impaired adaptive behavior in learning, maturation, or social adjustment as a result of impaired mental development. IQ score ranges for MR subcategories are:

EMR	55-79
TMR	30-54
S&PMR	-29

   Evaluations required:
   (a) certified school psychological
   (b) educational
   (c) For S&PMR only: physical

5. Physically Handicapped - orthopedic or other health impairments of sufficient magnitude to limit classroom accommodation and performance.

   Evaluations required:
   (a) physical
   (b) certified school psychological
   (c) educational

*22 Pa. Code Chapter 341

6. Social and Emotional Disturbance - a long-term condition which is exhibited by a marked inability to learn which cannot otherwise be explained; or an inability to establish and maintain satisfactory interpersonal relationships; or a general mood of depression.

   Evaluations required:
   (a) certified school psychological
   (b) psychiatric
   (c) educational

7. Speech and Language Impaired - a significant communication disorder of impaired language, voice, fluency or articulation.

   Evaluations required:
   (a) clinical speech
   (b) educational
   may be required
   (c) certified school psychological
   (d) physical

8. Visually Impaired - a marked visual impairment which adversely affects educational performance.

   Evaluations required:
   (a) eye specialist report
   (b) educational

9. Severely Multihandicapped - For purposes of private school funding only, two or more of the following severe conditions:

   (a) Blind
   (b) Brain Damage
   (c) Cerebral Palsy
   (d) Deaf
   (e) Emotional Disturbance
   (f) Muscular Dystrophy
   (g) Severely Mentally Retarded (IQ below 25)

10. Mentally Gifted - Outstanding intellectual and creative ability, the development of which requires special education services. In most cases a gifted child must show an IQ of 130 or higher.

    Evaluations required:
    (a) certified school psychological
    (b) standard achievement test scores and teacher recommendations are also required

11. Talented - Outstanding talent in art, music, dance, photography, or theater, the development of which requires special education services.

    Evaluations required:
    (a) recommendations by team of educators and professionals in the relevant area(s)

THE SCHOOL DISTRICT OF _____

BOARD OF EDUCATION

APPENDIX B - FORM 1

Dear Parent:

The School District of _____ would like to provide an evaluation for _____ who attends the _____ School to assure that your child has an appropriate education program. Your child has been referred for evaluation for the following reasons: _____

_____

Our plan for evaluation includes:

Type of Test/Procedure	Proposed Date of Evaluation
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

You have the right to see and study all the information in your child's school record. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with school personnel or evaluator(s) to discuss the recommended referral and/or the evaluation procedures. To obtain your child's records or to arrange a conference you may call: _____

_____

If this is the case, please indicate your decision by signing in the appropriate space below.

You may already have enough information to reach a decision about the evaluation without reviewing your child's records or requesting a conference.

If the evaluation shows that your child is eligible for special education programs and services, we will ask for your assistance in preparing an Individualized Education Program (IEP). You also have the right to request a hearing concerning this proposed evaluation. No evaluations may be conducted without your written approval or the approval of a due process hearing officer.

Please respond to one of the following statements:

I agree to an evaluation as described above, and I will call for an appointment to review my child's school records and/or for a conference before the evaluation.

_____ _____

Date Signature of Parent

I agree to an evaluation as described above, but I will not review my child's records or schedule a conference before the evaluation.

_____ _____

Date Signature of Parent

I do not agree to an evaluation as described above.

_____ _____

Date Signature of Parent

Please return this letter in the enclosed envelope within ten (10) days of the date you received it. Thank you for your cooperation.

Sincerely,

_____ _____

School Principal

Encl: envelope

T700 (12/77) REQUEST FOR PERMISSION TO EVALUATE

THE SCHOOL DISTRICT OF _____

BOARD OF EDUCATION

APPENDIX B - FORM 2

Dear Parent:

The School District of _____

( ) will provide an evaluation at your request ( ) will provide re-evaluation for _____ who attends the _____ School to assure that your child has an appropriate education program.

The student will have the evaluation or re-evaluation for the following reasons:

_____

_____

_____

_____

Type of Test/Procedure	Proposed Date of Evaluation
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

You have the right to see and study all the information in your child's school records. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with school personnel or evaluator(s) to discuss the evaluation procedures. To obtain your child's records or to arrange a conference, you may call:

_____

If this evaluation shows that your child is eligible for special education programs and services, we will ask for your asistance in preparing an Individualized Education Program (IEP).

Sincerely,

_____

Executive Director
Division of Special Education

7701 (12/77) NOTICE OF INTENT TO CONDUCT RE-EVALUATION OR RESPONSE TO PARENT INITIATED REQUEST FOR EVALUATION

THE SCHOOL DISTRICT OF _____

BOARD OF EDUCATION

APPENDIX B - FORM 3

Dear Parent:

The School District of _____ has provided an evaluation for _____ who attends the _____ School to assure that your child has an appropriate education program.

A review of the evaluation results indicates that _____ is not an exceptional student and is not in need of special education programs and/or services. However, recommendations for additional assistance from regular education programs may be appropriate.

You have the right to review all data collected on your child. You may request a conference to discuss the evaluation findings and your child's needs. If, after the conference, you are not satisfied with the results and you still feel that your child is exceptional, you will be given the opportunity to request a hearing.

To obtain your child's records, or to arrange a conference, you may call:

_____

Sincerely,

_____

Executive Director
Division of Special Education

T702 (12/77) NOTIFICATION THAT PUPIL IS NOT EXCEPTIONAL

THE SCHOOL DISTRICT OF _____

BOARD OF EDUCATION

APPENDIX B - FORM 4

Dear Parent:

As a result of a review of evaluation data by a multi-disciplinary team, your child has been found to be exceptional and in need of Special Education programs and/or services.

The School District of _____ is planning:
( ) To develop an initial Individual Education Program (IEP)
( ) To make revisions in the Individual Education Program (IEP)

for _____ who attends the _____ School and encourages you to join with school personnel in a conference for this purpose.

Your participation is desired so that you may be fully informed concerning program and/or placement revisions we feel may be necessary. You may decide not to participate in this conference at this time by signing below.

( ) I would like to participate in planning or revising my child's Individualized Education Program. I can be reached at the following telephone number:

Phone Number: _____

Time of Day: _____

( ) I do not desire to participate in the planning or revising of my child's Individualized Education Program.

Phone Number: _____

Time of Day: _____

Or at the following address:

_____

_____

_____

_____ _____

Date Signature of Parent

Please return this letter to your child's school in the enclosed envelope within ten (10) days of the date you receive it. Thank you for your cooperation.

Sincerely,

_____

Executive Director
Division of Special Education

T703 (12/77) REQUEST FOR PARENT PARTICIPATION IN A PROGRAM PLANNING CONFERENCE FOR THE DEVELOPMENT OR REVISION OF AN INDIVIDUALIZED EDUCATION PROGRAM (IEP) PLAN

SPECIAL EDUCATION DIVISION

INDIVIDUALIZED EDUCATION PROGRAM (IEP) PLAN

STUDENT'S NAME (FIRST, LAST)

ADDRESS

APPENDIX B - FORM 5

SCHOOL	DISTRICT	IEP REVIEW DATE	TODAY'S DATE	DATE OF BIRTH	PUPIL ID

TEACHER(S)	GRADE/PROGRAM

PRIMARY ASSIGNMENT(S)	STARTING DATE	EXPECTED DURATION OF SERVICE
SERVICES		

REASON FOR ASSIGNMENT(S):

ADMINISTRATOR/SUPERVISOR RESPONSIBLE FOR PROGRAM (NAME AND TITLE)

ADDRESS	PHONE

THE FOLLOWING PERSONS HAVE PARTICIPATED IN THE EDUCATIONAL PROGRAM PLANNING CONFERENCE:

SCHOOL DISTRICT REPRESENTATIVE (NAME AND TITLE)

TEACHER(S)

OTHERS

STUDENT	PARENT

PARENT RESPONSE: I ☐ DO ☐ DO NOT APPROVE OF THE INDIVIDUALIZED EDUCATION PROGRAM WHICH IS RECOMMENDED.

_____ _____

Signature of Parent *Date*

Once you indicate approval, the program will be implemented.

If you disapprove of the educational placement or program recommended for the student, you may request a hearing to resolve any differences by checking the space provided for disapproval and signing your name. To request a hearing, you must send your request within 20 days of the date of the program planning conference. You must send in your request within 10 days if you received it by mail.

If you indicate disapproval, the program will not be implemented. No change in assignment will occur until the decision of the hearing officer is received. Please review the notice which was previously sent to you. It contains an outline of hearing procedures.

If you do not respond within 20 days of the program planning conference, it will indicate that you approve of the educational placement and program that was discussed at the conference and any revisions which are attached. No response also indicates that you waive the right to a hearing at this time.

EDUCATIONAL LEVELS & OBJECTIVES

SCHOOL	STUDENT'S NAME

ASSESSMENT PROCEDURES	CURRICULAR AREA	DESCRIPTION OF PRESENT EDUCATIONAL LEVELS	DATE	PROGRAM PLAN

INSTRUCTIONAL AREA	ANNUAL GOALS	PROGRAM PLANNE

SHORT TERM OBJECTIVES	ASSESSMENT PROCEDURES	PRE - TEST		POST - TEST	
		DATE	SCORE	DATE	SCORI

NOTICE OF RECOMMENDED ASSIGNMENT APPENDIX B - FORM 6

ame and Address of Parent/Guardian,
tudent or Surrogate Parent:

_____
Date

_____

_____

_____

ear _____:

This is your notice of the recommended educational program and placement for _____.
Name of Student and Present Educational Status

If you approve this recommendation, sign and indicate this below.

An Individualized Education Program has been developed for this student. A copy f this program is attached.

Before this recommendation is implemented, you have the right to request a re-hearing conference to discuss, with school personnel, the recommended educational rogram and placement. If you disagree with the outcome of this conference, you may request formal hearing to contest the implementation of the recommendation.

If you wish to participate in a pre-hearing conference, sign and indicate this elow; then return this page to the address below within 10 days if you received the otice by certified mail, or within 5 days if the notice was given to you in person.

If you do not return this page within the time specified above, it will indicate you pprove the recommendation and you do not wish to request a hearing at this time.

For further information contact: _____

_____

_____
Local School District and Responsible Official

_____
Signature of School District Superintendent

- -

( ) I approve the recommended placement and program and do not wish to request a pre-hearing conference or a hearing.

( ) I do not approve the recommended placement and program. I request a pre-hearing conference.

_____ _____
Date Signature of Parent/Guardian, Student or Surrogate Parent

_____ _____
Date Signature of Parent/Guardian

1

APPENDIX C - FORM 1

SAMPLE LETTER REQUESTING EVALUATION
(Parent Initiated)

Your Address
Your Phone Number
Date

(Name of School Principal)
School District of _____
(Address of School)
_____, PA (zip code)

Dear Principal:

We, Mr. and Mrs. _____, are the parents of _____ (child's name), who was born on _____ (child's date of birth), and who is currently enrolled in _____ School in _____ grade.

_____ (Child's name) has not been doing well in school and we believe that he/she may be an exceptional child and not presently receiving an appropriate educational program.

We would therefore like to request that _____ (child's name) be given a full evaluation by the School District

to determine if _____ is an exceptional child
(child's name)

and hereby give our consent for such evaluation.

Please contact us immediately to inform us of:

(1) The procedures and specific types of tests which will be used in the evaluation;

(2) The approximate dates of the evaluation;

(3) The identity and location of any resources where we can obtain an independent evaluation of our child at no charge or a reduced fee;

(4) A time when we may meet with the school psychologist to discuss the evaluation procedures;

(5) A time when we may review all relevant school records on our child.

[We are enclosing for your consideration copies of reports from _____ who evaluated our child and found him/her to be _____ .]
(type of exceptionality)

Thank you.

Sincerely,

(Your name)

cc: School Superintendent* } xeroxed copies of this
Attorney or representative } letter should be sent to these people

*In Philadelphia, the copy should be sent to the local district Superintendent, or his administrative assistant in charge of special education.

APPENDIX C - FORM 2

SAMPLE LETTER REQUESTING PRE-HEARING CONFERENCE
(Parent Initiated)

Your Address
Your Phone Number
Date

_____
(Name of School Principal)
School District of _____
_____, PA (zip code)

Dear Principal:

We, Mr. and Mrs. _____, are the parents of _____ (child's name), who was born on _____ (child's date of birth) and who is currently enrolled in _____ School in the _____ (grade).

_____ (child's name) has not been doing well in school, and we would like to request a Pre-Hearing Conference to discuss his/her current educational placement. We are available for such a conference on _____ (date) at _____ (time, day or evening).

Prior to the conference, please send us the following:

(1) A written report as to why the school district believes that _____ (child's name) present classification and program is appropriate.

(2) A list of alternative educational programs available.

(3) The names, addresses and telephone numbers of agencies where we can obtain free legal services.

(4) The names, addresses, and telephone numbers of all agencies where we can obtain an outside evaluation of our child.

(5) A copy of the test results from the most recent evaluations of our child.

We would also like to examine and copy any of our child's other school records.

Please contact us immediately so that we can arrange to inspect our child's records and so that a pre-hearing conference may be scheduled within ten days of your receipt of this letter. It is our understanding that the school district's evaluation of _____ will be completed by the date of
(child's name)
the conference.

Sincerely,

(Your Names)

cc: School Superintendent* } xeroxed copies of this letter
Attorney or Representative } should be sent to these people

*In Philadelphia, the copy should be sent to the local district Superintendent, or his administrative assistant in charge of special education. A copy should also be sent to the Special Education Department of the Philadelphia School District, Stevens Administration Center, 19123, marked "Attention Due Process Section".

APPENDIX C - FORM 3

SAMPLE LETTER FOR REQUESTING A PRE-HEARING CONFERENCE
(School District Initiated)

Your Address
Your Phone Number
Date

(Name of School Principal)
School District of
(zip code)

Dear Principal:

We, Mr. and Mrs. _____, are the parents of _____ (child's name), who was born on _____ (child's date of birth) and who is currently enrolled in _____ School in the _____ (grade).

We have received notice that the school district has decided that _____ (child's name) is _____ (exceptionality) and has proposed to transfer him/her to an _____ (type of class) class within the _____ (school district). We object to both the classification and proposed placement and would like to schedule a pre-hearing conference to discuss both matters. We are available during the week of _____ (date) at _____ (time, day or evening).

Prior to the conference, please send us all information pertaining to the proposed classification and placement of _____ (child's name) including but not limited to the following:

(1) The reason for the proposed change in educational placement.

(2) The identity of the tests used to evaluate and classify our child.

(3) A copy of the results of any tests used in the evaluation and classification.

(4) A detailed description of the proposed program.

(5) A list of other alternatives that are available, and the reasons why these alternatives were not recommended by the school district.

(6) The names, addresses and telephone numbers of all agencies where we may obtain either free legal services or an outside evaluation for our child.

We would also like to schedule an appointment to examine and copy our child's school records prior to the conference.

Please contact us immediately so that we can arrange to inspect our child's records and so that a pre-hearing conference may be scheduled within ten days of your receipt of this letter.

We appreciate your kind attention to this matter.

Thank you.

Sincerely,

(Your Names)

cc: School Superintendent* } xeroxed copies of this letter
Attorney or Representative } should be sent to these people

*In Philadelphia, the copy should be sent to the local district Superintendent, or his administrative assistant in charge of special education. A copy should also be sent to the Special Education Department of the Philadelphia School District, Stevens Administration Center, 19123, marked "Attention Due Process Section".

APPENDIX C - FORM 4

SAMPLE LETTER FOR REQUESTING A DUE PROCESS HEARING
(Parent Initiated)

Your Name
Your Phone Number
Date

_____
(Name of School Principal)
School District of _____
_____, PA (zip code)

Dear Principal:

We, Mr. and Mrs. _____, are the parents of _____, who was born _____ (child's name) (child's date of birth).

_____ is currently a _____ student at the _____ (child's name) (grade)

School in the _____ district, _____, (district name) (name of town)

Pennsylvania.

We have met with representatives of the School District at a pre-hearing conference but have been unable to resolve our differences at to the appropriate placement for _____. (child's name)

We therefore request that a due process hearing be scheduled before an impartial hearing officer so that we may present our position.

We would also like to schedule an appointment to examine and copy our child's school records prior to the hearing. Please contact us immediately to schedule this appointment.

We hereby also request that the hearing be scheduled at _____ at a location near our home, and that
(time, day or evening)
the hearing be (open)(closed) to persons other than those directly involved.

Thank you.

Very truly yours.

(Your Names)

cc: Department of Education
Box 911
Harrisburg, PA 17126

School District Superintendent

Attorney or Representative

} xeroxed copies of this letter should be sent to these people

APPENDIX D

LEGAL SERVICES IN PENNSYLVANIA BY COUNTY

ADAMS COUNTY
Legal Services, Inc.
110 South Washington St.
Gettysburg, PA 17325
717-334-7623

ALLEGHENY COUNTY
Neighborhood Legal Services Association
310 Plaza Building
535 Fifth Avenue
Pittsburgh, PA 15219
412-255-6700

ARMSTRONG COUNTY
Laurel Legal Services, Inc.
7 Brody Building
322 Market Street
Kittanning, PA 16201
412-548-7674

BEAVER COUNTY
Neighborhood Legal Services Association
266 Franklin Avenue
Aliquippa, PA 15011
412-378-0595

BEDFORD COUNTY
Southern Alleghenys Legal Aid
225 N. Richards Street
Bedford, PA 15522
814-623-6189

BERKS COUNTY
Central Pennsylvania Legal Services
524 Washington Street
Reading, PA 19601
215-376-8656

BLAIR COUNTY
Blair County Legal Services Corporation
1301 Seventh Street
Altoona, PA 16601
814-943-8139

BRADFORD COUNTY
Northern Pennsylvania Legal Services, Inc.
24 Main Street
Towanda, PA 18848
717-265-6127

BUCKS COUNTY
Bucks County Legal Aid Society
95 East State Street
Doylestown, PA 18901

BUTLER COUNTY
Neighborhood Legal Services Association
403 S. Main Street
Butler, PA 16601
412-282-3888

CAMBRIA COUNTY
Southern Alleghenys Legal Aid
415 Main Street, Second Floor
Johnstown, PA 15901
814-536-8917

CAMERON COUNTY
Legal Services for Northwestern Pennsylvania
The Old Elk Haven
Box 163A, R.D. #1
St. Marys, PA 15857
814-781-6333

CARBON COUNTY
Legal Services of Northeastern Pennsylvania, Inc.
122-124 Iron Street
Lehighton, PA 18235
215-377-5400

CENTRE COUNTY
Keystone Legal Services
119 South Fraser Street
State College, PA 16801
814-238-4958

CHESTER COUNTY
Legal Aid of Chester County, Inc.
27 South High Street
West Chester, PA 19380
215-436-9150

CLARION COUNTY
Laurel Legal Services, Inc.
543 Main Street
Clarion, PA 16214
814-226-4340

CLEARFIELD COUNTY
Keystone Legal Services
213 North Second Street
Clearfield, PA 16830
814-765-9646

CLINTON COUNTY
Susquehanna Legal Services
308 East Water Street
Lock Haven, PA 17745
717-748-9526

COLUMBIA COUNTY
Susquehanna Legal Services
R.D. #4
Bloomsburg, PA 17815
717-784-8760

CRAWFORD COUNTY
Legal Services for Northwestern Pennsylvania
231 Chestnut Street
Fifth Floor, Professional Bldg.
Meadville, PA 16335
814-724-1040

CUMBERLAND COUNTY
Legal Services, Inc.
7 North Hanover Street
Carlisle, PA 17013
717-243-9400

DAUPHIN COUNTY
Central Pennsylvania Legal Services
213-A North Front Street
Harrisburg, PA 17101
717-232-0581

DELAWARE COUNTY
Delaware County Legal Assistance Association
410 Welsh Street
Chester, PA 19013
215-874-8421

ELK COUNTY
Legal Services for Northwestern Pennsylvania
The Old Elk Haven
Box 163A, R.D. #1
St. Marys, PA 15857
814-781-6333

ERIE COUNTY
Legal Services for Northwestern Pennsylvania
121 West Tenth Street
Erie, PA 16501
814-456-4200 or 452-6949

FAYETTE COUNTY
Southwestern Pennsylvania Legal Aid Society
46 East Main Street
Uniontown, PA 15401
412-439-3591

FOREST COUNTY
Legal Services for Northwestern Pennsylvania
117 Market Street
Warren, PA 16365
814-726-2530

FRANKLIN COUNTY
Legal Services, Inc.
Franklin Farm Lane
Chambersburg, PA 17201
717-264-5354

FULTON COUNTY
Legal Services, Inc.
Franklin Farm Lane
Chambersburg, PA 17201
717-264-5354

GREENE COUNTY
Southwestern Pennsylvania Legal Aid Society
26 Church Street
Waynesburg, PA 15370
412-627-3139

HUNTINGDON COUNTY
Keystone Legal Services
741 Washington Street
Huntingdon, PA 16652
814-643-6513

INDIANA COUNTY
Laurel Legal Services, Inc.
South 7th & Church Streets
Indiana, PA 15701
412-349-3440

JEFFERSON COUNTY
Laurel Legal Services, Inc.
211 Main Street
Brookville, PA 15825
814-849-3044

JUNIATA COUNTY
Keystone Legal Services
10 South Grand Street
Lewistown, PA 17044
717-248-4991

LACKAWANNA COUNTY
Northern Pennsylvania Legal Services. Inc.
129 North Washington Street
301 Connell Building
Scranton, PA 18503
814-342-0184

LANCASTER COUNTY
Central Pennsylvania Legal Services
10 South Prince Street
Stevens House
Lancaster, PA 17603
717-299-3621

LAWRENCE COUNTY
Neighborhood Legal Services Association
12 West Washington Street
Kennedy Square West, Suite 201
New Castle, PA 16101
412-658-2677

LEBANON COUNTY
No program - Refer to
Central Pennsylvania Legal Services
10 South Prince Street
Stevens House
Lancaster, PA 17603
717-299-3621

LEHIGH COUNTY
Lehigh Valley Legal Services
462 Walnut Street
Allentown, PA 18012
215-821-8545

LUZERNE COUNTY
Legal Services of Northeastern Pennsylvania
410 Bicentennial Building
15 Public Square
Wilkes-Barre, PA 18701
717-825-8567

LYCOMING COUNTY
Susquehanna Legal Services
416 Pine Street
Williamsport, PA 17701
717-323-8741

MCKEAN COUNTY
Legal Services for Northwestern Pennsylvania
108 Main Street
Bradford, PA 17601
814-362-6596

MERCER COUNTY
Legal Services for Northwestern Pennsylvania
121 East State Street
Sharon, PA 16146
412-346-6112

MIFFLIN COUNTY
Keystone Legal Services
10 South Grand Street
Lewistown, PA 17044
717-248-5481

MONROE COUNTY
Legal Aid Society of Monroe County
706 Monroe Street
Stroudsburg, PA 18360
717-424-5338

MONTGOMERY COUNTY
Montgomery County Legal Aid Service
Tone Building, 107 E. Main Street
Norristown, PA 19404
215-275-5400

MONTOUR COUNTY
Susquehanna Legal Services
R.D. #4
Bloomsburg, PA 17815
717-784-8760

NORTHAMPTON COUNTY
Lehigh Valley Legal Services
401 Alpha Building
15 South Third Street
Easton, PA 18042
215-253-9305

NORTHUMBERLAND COUNTY
Susquehanna Legal Services
142 Market Street
Sunbury, PA 17801
717-286-5687

PERRY COUNTY
Central Pennsylvania Legal Services
Center Square
New Bloomfield, PA 17068
717-582-2171

PHILADELPHIA COUNTY
Community Legal Services
Sylvania House
Juniper & Locust Streets
Philadelphia, PA 19107
215-893-5300

PIKE COUNTY
Northern Pennsylvania Legal Services
129 N. Washington Street
301 Connell Building
Scranton, PA 18503
717-342-0184

POTTER COUNTY
Legal Services for Northwestern Pennsylvania
c/o Mapleview Rest Center
Potter County Office of Aging
Coudersport, PA 16915
814-274-7377

SCHUYLKILL COUNTY
Schuylkill County Legal Services
325 Thompson Building
Pottsville, PA 17901
717-622-2062

SNYDER COUNTY
Susquehanna Legal Services
142 Market Street
Sunbury, PA 17801
717-286-5687

SOMERSET COUNTY
Southern Alleghenys Legal Aid
212 Scull Building
Somerset, PA 15501
814-455-6160

SULLIVAN COUNTY
Northern Pennsylvania Legal Services
24 Main Street
Towanda, PA 18848
717-265-6127

SUSQUEHANNA COUNTY
Northern Pennsylvania Legal Services
26 Maple Street (Rear)
Montrose, PA 18801
717-278-3003

TIOGA COUNTY
No program

UNION COUNTY
Susquehanna Legal Services
142 Market Street
Sunbury, PA 17801
717-286-5687

VENANGO COUNTY
Legal Services for Northwestern
Pennsylvania
1256 Liberty Street
Franklin, PA 16323
814-437-3028

WARREN COUNTY
Legal Services for Northwestern
Pennsylvania
117 Market Street
Warren, PA 16365
814-726-2530

WASHINGTON COUNTY
Southwestern Pennsylvania Legal
Aid Society
80 East Beau Street
Warren, PA 15301
412-225-6170

WAYNE COUNTY
Northern Pennsylvania Legal Services
Wayne County Court House
Honesdale, PA 18431
717-253-1031

WESTMORELAND COUNTY
Laurel Legal Services, Inc.
101 North Main Street
Suite G-103
Greensburg, PA 15601
412-836-2211

WYOMING COUNTY
Northern Pennsylvania Legal Services
106 Warren Street
Tunkhannock, PA 18657
717-836-4220

YORK COUNTY
Central Pennsylvania Legal Services
36 South Queen Street
York, PA 17401
717-848-3605

PPENDIX E

PENNSYLVANIA ASSOCIATION FOR
CHILDREN WITH LEARNING DISABILITIES
1383 Arcadia Road, Room 1A
Lancaster, PA 17601

AFFILIATED CHAPTERS

ALLEGHENY COUNTY
Middle & Suismin Streets
Pittsburg, PA 15212

BERKS COUNTY
Mrs. Rose Fleming
Oak Knoll
Hollidaysburg, PA 16648

BLAIR COUNTY
P.O. Box 7524
Altoona, PA 16603

BUCKS COUNTY
116 Highland Avenue
Sellersville, PA 18960

BUTLER COUNTY
230 E. Jefferson Street
Butler, PA 16001

CENTER COUNTY
609 Kennard Road
State College, PA 16801

CHESTER COUNTY
YWCA
123 N. Chester Street
West Chester, PA 19380

DELAWARE COUNTY
532 Wiltshire Road
Upper Darby, PA 19082

ERIE COUNTY
P.O. Box 826
Erie, PA 16512

HUNTINGTON COUNTY
P.O. Box 84
Juntington, PA 16652

JOHNSTOWN COUNTY
240 Walnut Street
Johnstown, PA 15906

LANCASTER-LEBANON COUNTY
1383 Arcadia Road, Room 1A
Lancaster, PA 17601

LAWRENCE COUNTY
105 Garfield Avenue
New Castle, PA 16105

LEHIGH COUNTY
422 Hamilton Street
Allentown, PA 18105

LUZERNE COUNTY
Rt. 2
Tunkhannock, PA 18567

MERCER COUNTY
6730 Lamor Road
Sharpesville, PA 16150

MONTGOMERY COUNTY
P.O. Box 394
Glenside, PA 19038

SCRANTON COUNTY
9 K Penny-Bryn
Scranton, PA 18508

VENANGO COUNTY
R.D. Star Rt. Box 2A
Franklin, PA 16323

WARREN COUNTY
408 Conewago Avenue
Warren, PA 16335

WESTMORELAND COUNTY
116 Mt. Pleasant Blvd.
Irwin, PA 15642

YORK COUNTY
P.O. Box 3335
York, PA 17402

APPENDIX F

PENNSYLVANIA ASSOCIATION FOR RETARDED CITIZENS, INC.
1500 North Second Street
Harrisburg, PA 17102
717-234-2621

AFFILIATED CHAPTERS

ADAMS COUNTY
Ms. Ann Deckert, President
R.D. 3
Gettysburg, PA 17325
717-334-6602

ALLEGHENY COUNTY
Mr. Michael Trowbridge, Exec. Dir.
Allegheny Co. Chapter, PARC
1001 Brighton Road
Pittsburgh, PA 15233
412-322-6008 (business)

ARMSTRONG COUNTY
Mrs. Sue Slater, Exec. Dir.
Armstrong Co. Chapter, PARC
Box 524
Kittanning, PA 16201
412-548-8555 (business)
412-548-7373 (residence)

BEAVER COUNTY
Mr. Andrew Grivna, Exec. Dir.
Beaver Co. Chapter, PARC
1445 Market Street
Bridgewater, PA 15009
413-775-1602 (business)
412-728-2356 (residence)

BEDFORD COUNTY
Mrs. Lois Frederick, President
R.D. 4, Box 280
Bedford, PA 15522
814-847-2758 (residence)

BERKS COUNTY
Ms. Linda Humphreys, Exec. Dir.
Berks Co. Chapter, PARC
2201 Reading Avenue
West Lawn, PA 19609
215-678-0770 (business)

BLAIR COUNTY
Blair Co. Chapter, PARC
2008 Sixth Avenue, 3rd floor
Altoona, PA 16602
814-946-1274 (business)

BRADFORD COUNTY
Mrs. Mary Olisky, President
Bradford Co. Chapter, PARC
P.O. Box 357
Sayer, PA 18840
717-883-1542 (residence)

BUTLER COUNTY
Mr. Frank Spramelli, Exec. Dir.
Butler Co. Chapter, PARC
100 North Washington Street
Butler, PA 16001
412-282-1500 (business)
412-282-0841 (residence)

CAMBRIA COUNTY
Ms. Rebecca Babik, Exec. Dir.
Cambria Co. Chapter, PARC
960 Bedford Street
Johnstown, PA 15902
814-535-1511 (business)

CAMERON COUNTY
Mr. Gerald Clark, Exec. Dir.
Cameron Co. Chapter, PARC
R.D. 2, Truman
Emporium, PA 15834
814-483-3491

CARBON COUNTY
Mr. Robert J. Polastre, Exec. Dir.
Carbon Co. Chapter, PARC
13th & Lehigh Streets
Jim Thorpe, PA 18229
717-325-4225 (business)

CENTRE COUNTY
Mr. Delbert McEwen, Exec. Dir.
Centre Co. Chapter, PARC
305 S. Burrowes Street
State College, PA 16801
814-238-1444 (business)

CHESTER COUNTY
Mrs. Ruth C. Wood, Exec. Dir.
Chester Co. Chapter, PARC
20 N. High Street
West Chester, PA 19380
215-436-6740 (business)

CLARION COUNTY
Ms. Lesley Schactman, Exec. Dir.
Clarion Co. Chapter, PARC
1099 East Main Street
Clarion, PA 16214
814-782-3003 (business)
814-226-8410 (residence)

CLEARFIELD COUNTY
Mrs. Marlene Horm, Exec. Sec.
Clearfield Co. Chapter, PARC
310 Clearfield
Clearfield, PA 16830
814-765-8720 (residence)

CLINTON COUNTY
Ms. Helen Weaver, Sec.
Russell Hall
Lock Haven State College
Lock Haven, PA 17745
717-748-5351 (business)

COLUMBIA COUNTY
Robert Koslosky, President
645 E. 4th Street
Bloomsburg, PA 17815
717-389-2606 (business)
717-784-6260 (residence)

CRAWFORD COUNTY
Mr. Gary Strawbridge, Exec. Dir.
Crawford Co. Chapter, PARC
P.O. Box 628, 223 Masonic B
Meadville, PA 16335
814-724-7346 (business)

CUMBERLAND/PERRY COUNTIES
Mr. Rodney S. Benner, Exec. Dir.
Cumberland/Perry Co. Chapter, PARC
P.O. Box 386
15 West High Street
Carlisle, PA 17013
717-249-2611 (business)

DAUPHIN COUNTY
Mrs. Barbara Edmiston, Exec. Dir.
Retarded Cit. of Daughphin Co.
4335 N. Front Street
Harrisburg, PA 17110
717-234-7013 (business)

DELAWARE COUNTY
Mr. L. Steuard Brown, Exec. Dir.
Delaware Co. Chapter, PARC
147 S. Lansdowne Avenue
Lansdowne, PA 19050
215-622-2220 (business)

ELK COUNTY
Box 93
St. Marys, PA 15857

ERIE COUNTY
Dr. Gertrude A. Barber, Exec. Dir.
Erie Co. Chapter, PARC
Exceptional Child. Edu. Ctr.
136 East Avenue
Erie, PA 16507
814-456-5345 (business)
814-459-4351 (residence)

FAYETTE COUNTY
Ms. Karen Poole, Sec.
60 Lebanon Avenue
Uniontown, PA 15401
412-438-9042

FRANKLIN COUNTY
Mrs. Alice Coons, Exec. Dir.
Franklin Co. Chapter, PARC
Chambersburg Trust Co. Bldg., Rm. 554
Chambersburg, PA 17201
717-264-4390 (business)

FULTON COUNTY
Ms. Vivian Pawlak, President
R.R. #1. Box 73
Warfordsburg, PA 17267
717-573-2374

GREENE COUNTY
Ms. Bonnie Pecjak, Exec. Dir.
Greene Co. Chapter, PARC
58 East High Street
Waynesburg, PA 15370
412-627-5511 (business)
412-966-5470 (residence)

HUNTINGDON COUNTY
Ms. Mary Rosenborough, Acting Pres.
408 S. Division St.
Mt. Union, PA 17066

INDIANA COUNTY
Mr. Ralph Smith, President
330 East Elm Street
Homer City, PA 15748
412-479-9747 (residence)

JEFFERSON COUNTY
Jefferson Co. Chapter, PARC
P.O. Box 126
Curwensville, PA 16833

JUNIATA COUNTY
Ms. Evelyn Graham, President
Juniata Cp. Chapter, PARC
R.D. 2
Mifflintown, PA 17059
717-436-6065

LACKAWANNA COUNTY
Mr. Don Broderick, Exec. Dir.
Lackawanna Co. Chapter, PARC
475 Morgan Highway
Scranton, PA 18508
717-346-4010 (business)

LANCASTER COUNTY
Mrs. Sally Liller, Exec. Dir.
Lancaster Co. Chapter, PARC
630 Janet Avenue
Lancaster, PA 17601
717-394-5251 (business)

LAWRENCE COUNTY
Mr. Norman A. Moses, Exec. Dir.
Lawrence Co. Chapter, PARC
101 S. Mercer Street, 207 Cent.
New Castle, PA 16101
412-654-4283 (business)

LEHIGH COUNTY
Mr. William L. Numbers, Exec. Dir.
Lehigh Co. Chapter, PARC
604 North 8th Street
Allentown, PA 18102
215-434-8076 (business)

LUZERNE COUNTY
Mr. Thomas Skaff, Jr., Exec. Dir.
Luzerne Co. Chapter, PARC
325 So. Franklin Street
Wilkes-Barre, PA 18702
717-829-7953 (business)

LYCOMING COUNTY
Lycoming Co. Chapter, PARC
153 West 4th Street
Williamsport, PA 17701
717-326-6997 (business)

McKEAN COUNTY
Ms. Margaret Burlingame, Exec. Sec.
McKean Co. Chapter, PARC
800 Minard Run
Bradford, PA 16701
814-362-4861 (residence)

MERCER COUNTY
Robert R. Beach, Exec. Dir.
Mercer Co. Chapter, PARC
P.O. Box 1108
Sharon, PA 16146
412-981-2950 (business)

MIFFLER COUNTY
Mrs. Marcella Ganoe, President
150 N. Walnut Street
Lewistown, PA 17044
717-248-5360 (residence)

MONROE COUNTY
Mr. Jack O'Rourke, President
Box 14
Marshall's Creek, PA 18335
717-421-7999 (residence)

MONTGOMERY COUNTY
Mr. Joel Spiller, Exec. Dir.
Montgomery Co. Chapter, PARC
P.O. Box 497
801 W. Main Street
Norristown, PA 19401
215-272-0314 (business)

MONTOUR COUNTY
Mr. James W. Lewis, President
620 Bloom Street
Danville, PA 17821
717-275-2783 (residence)

NORTHUMBERLAND COUNTY
Mrs. Nadine Bednar, Exec. Dir.
Northumberland Co. Chapter, PARC
West End National Band Building
2nd and Walnut Streets
Shamokin, PA 17872
717-648-2871 (business)

PHILADELPHIA COUNTY
Mr. Erman-Anthony Gentile, Exec. Dir.
Philadelphia Co. Chapter, PARC
Central Office
1211 Chestnut Street
Philadelphia, PA 19107
215-567-3750 (business)
215-296-1131 (residence)

PIKE COUNTY
Mrs. Marion Almquist, Sec.
Pike Co. Chapter, PARC
Norman Hills
Milford, PA 18337

POTTER COUNTY
Mr. Ron Mancia, President
P.O. Box 173
Coudersport, PA 16915
814-274-9880 (business)
814-274-7907 (residence)

SCHUYLKILL COUNTY
Schuylkill Co. Chapter, PARC
P.O. Box 36
Pottsville, PA 17901
717-874-2945 (business)

SNYDER COUNTY
Snyder Co. Chapter, PARC
Box 133
Middleburg, PA 17842

SOMERSET COUNTY
Somerset Co. Chapter, PARC
Work Activity Center
918 South Park Avenue
Somerset, PA 15501

SUSQUEHANNA COUNTY
Susan Bennett, President
R.D. 4, Box 113-A
Montrose, PA 18801
717-934-2531

UNION COUNTY
Ruth Haines, President
R.D. #3
Mifflinburg, PA 17844
717-966-1888

VENANGO COUNTY
Mr. Donald Bush, President
1116 Walnut Street
Reno, PA 16343
814-676-8403

WARREN COUNTY
Mr. Edward Walker, Exec. Dir.
Warren Co. Chapter, PARC
P.O. Box 306
Warren, PA 16365
814-723-5132 (business)

WASHINGTON COUNTY
Mr. Gregory Pilarski, Exec. Dir.
Washington Co. Chapter, PARC
P.O. Box 385
Meadowlands, PA 15347
412-222-6960 (business)

WAYNE COUNTY
Mr. Mark Hoover, President
R.D. #4
Honesdale, PA 18431
717-253-3782 (business)
717-729-7073 (residence)

WESTMORELAND COUNTY
Mr. Stephen P. O'Donnell, Exec. Dir.
Westmoreland Co. Chapter, PARC
34 W. Third Street
Greensburg, PA 15601
412-837-8159 (business)
412-925-3942 (residence)

WYOMING COUNTY
Ms. Dolores Grabko, CLA Proj. Dir.
68 E. Tioga Street
Tunkhannock, PA 18657

YORK COUNTY
Mrs. Suzanne Moyer, Exec. Dir.
York Co. Chapter, PARC
240 E. Haymeadow Drive
York, PA 17402
717-764-2852 (business)

APPENDIX G

OTHER SPECIAL EDUCATION GROUPS

PENNSYLVANIA ASSOCIATION FOR
THE BLIND
Dr. Robert E. Young
4237 Catalina Lane
Apartment L
Harrisburg, PA 17109
717-652-1374

PENNSYLVANIA ASSOCIATION FOR
THE STUDY AND EDUCATION OF THE
MENTALLY GIFTED
Mr. Bruce Gurcsik, President
Box 176
Shelocta, PA 15774
412-354-3111

PENNSYLVANIA SOCIETY FOR THE
ADVANCEMENT OF DEAF, INC.
Mr. Frank Nemschick
603 North Blue Ribbon Avenue
Harrisburg, PA 17112
717-787-6087

DEVELOPMENTAL DISABILITIES
ADVOCACY NETWORK
Ms. Gloria Mills
255 Oakley Drive
State College, PA 16801
814-238-5531

EASTER SEAL SOCIETY FOR CRIPPLED
CHILDREN AND ADULTS OF PA
Mrs. Betty McCann
Director of Program Planning
P.O. Box 497
Middletown, PA 17057
717-939-7801

PENNSYLVANIA MENTAL HEALTH, INC.
Mr. Robert Evans
Acting Executive Director
219 Pine Street
Harrisburg, PA 17101
717-236-9363

UNITED CEREBRAL PALSY OF PENNA.
Jules Henshell, Esq.
1718 N. Second Street
Harrisburg, PA 17102
717-787-1710

APPENDIX H

LEGAL REFERENCES

PENNSYLVANIA COURT CASES

Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971) and 343 F. Supp. 279 (E.D. Pa. 1972). "Landmark" federal case establishing right to free and appropriate program of education and training for mentally retarded children in Pennsylvania. This case also resulted in establishment of due process procedures by which parents of retarded children could challenge improper educational placements.

Catherine D. v. Pittenger, No. 74-2435 (E.D. Pa., June 26, 1975). Federal case which extended the special education due process procedures to all exceptional children in Pennsylvania, including the gifted and talented.

Frederick L. v. Thomas, 408 F. Supp. 832 (E.D. Pa. 1976) and 419 F. Supp. 960 (E.D. Pa. 1976), aff'd 557 F.2d 373 (3rd Cir. 1977). Federal case in which the Philadelphia School District was ordered to identify and begin to plan programs for all learning disabled students in the city schools.

PENNSYLVANIA CONSTITUTION

Article III, Section 14: "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."

PENNSYLVANIA LAWS AND REGULATIONS

School Code, Sections 1371-1377 (24 P.S. §§13-1371 to 13-1377): These sections require identification and placement of, and free transportation for, all exceptional children in Pennsylvania.

The State Board of Education publishes regulations which school districts and intermediate units are required to follow. The regulations relating to special education, published at Title 22 of the Pennsylvania Administrative Code, are:

Chapter 13 - The due process procedures for challenging an inappropriate educational classification or placement.

Chapter 171 - The procedures which must be followed in order to obtain state approval for the placement of a student in a private school for exceptional children.

Chapter 341 - Definitions of different types of exceptionalities such as mental retardation, learning disability, gifted and talented, and the procedures which must be used in developing Individualized Education Prorgrams (IEPs).

FEDERAL LAWS AND REGULATIONS

Section 504, Vocational Rehabilitation Act of 1973 (29 U.S.C. §794): This law prohibits discrimination against any handicapped person by recipients of federal funds (including the State Department of Education and nearly all school districts). The regulations applying Section 504 to education programs appear at 45 C.F.R. §§84.31 et seq. (Federal Register for May 4, 1977).

Education for All Handicapped Children Act (20 U.S.C. §§1401 et seq.): This law requires states receiving funds for education of the handicapped to provide a free appropriate program of special education and related services for all handicapped children. The regulations implementing the law are found at 45 C.F.R. Part 121a (Federal Register for August 23, 1977).